



02-20-03

9200/3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cao Mengjun  
Serial No.: 10/070,289  
Filed: February 28, 2002  
Confirmation No.: 4609  
Due Date: NA  
Title: A MAMMARY PROSTHESIS MADE OF POTYACRYLAMIDE HYDROGEL

Examiner: Unknown  
Group Art Unit: Unknown  
Docket: 13935.1USWO  
Notice of Allow. NA  
Date:

(O I P E)

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV168366594US  
Date of Deposit: February 14, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to, Commissioner for Patents and Trademarks, Washington, D.C. 20231.

By:   
Name: Michael D. Schumann

Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Copy of the signed Combined Declaration and Power of Attorney
- ☒ Other: Communication Regarding Notice of Abandonment; Copy of the filing missing parts postcard.
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Michael D. Schumann  
Reg. No.: 30,422  
M. Schumann:hb





#5-

S/N 10/070289

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mengjun Cao	Examiner:	Unknown
Serial No.:	10/070289	Group Art Unit:	Unknown
Filed:	February 28, 2002	Docket No.:	13935.0001USWO
Title:	MAMMARY PROSTHESIS MADE OF POTYACRYLAMIDE HYDROGEL		

CERTIFICATE UNDER 37 CFR 1.10:

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By: 

Name: John J. Jenkins

COMMUNICATION REGARDING NOTICE OF ABANDONMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In connection with the above-identified application, we have received a Notice of Abandonment mailed on January 31, 2003. Please note that a response to the Notice of Missing Requirements mailed May 10, 2002, has been filed on July 15, 2002. Enclosed please find a copy of the postcard with the USPTO stamps showing that the Combined Declaration and Power of Attorney has been filed on July 15, 2002. Also enclosed is a copy of the Combined Declaration and Power of Attorney for your convenience.

Correction of the records of the United States Patent and Trademark Office and issuance of the Notice of Acceptance of the application and the filing receipt are respectfully solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: February 14, 2003By: 

Michael D. Schumann  
Reg. No. 30,422

MDS:hb

MERCHANT &amp; GOULD

United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: A MAMMARY PROSTHESIS MADE OF POTYACRYLAMIDE HYDROGEL

The specification of which

- a. ☐ is attached hereto  
b. ☒ was filed on 02/28/2002 as application serial no. 10/070289 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/CN00/00254 filed August 30, 2000 and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.  
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
China	99242660	September 7, 1999	August 2, 2000
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, Jeffer	Reg. No. 46,359	Altera, Allan G.	Reg. No. 40,274
Anderson, Gregg I.	Reg. No. 28,828	Batzli, Brian H.	Reg. No. 32,960
Beard, John L.	Reg. No. 27,612	Berns, John M.	Reg. No. 43,496
Branch, John W.	Reg. No. 41,633	Brown, Jeffrey C.	Reg. No. 41,643
Bruess, Steven C.	Reg. No. 34,130	Burnham, Jonelle R.	Reg. No. 41,980
Byrne, Linda M.	Reg. No. 32,404	Campbell, Keith	Reg. No. 46,597
Carlson, Alan G.	Reg. No. 25,959	Caspers, Philip P.	Reg. No. 33,227
Clifford, John A.	Reg. No. 30,247	Cook, Jeffrey P.	Reg. No. 48,649
Daignault, Ronald	Reg. No. 25,968	Daley, Dennis R.	Reg. No. 34,994
Daulton, Julie R.	Reg. No. 36,414	DeVries Smith, Kate	Reg. No. 42,157
DiPietro, Mark J.	Reg. No. 28,707	Doscotch, Matthew A.	Reg. No. 48,957
Edell, Robert T.	Reg. No. 20,187	Fitzsimmons, Karen A.	Reg. No. 50,470
Gadiano, Christina M.	Reg. No. 37,628	Goff, Jared S.	Reg. No. 44,716
Goggin, Matthew J.	Reg. No. 44,125	Golla, Charles E.	Reg. No. 26,896
Gorman, Alan G.	Reg. No. 38,472	Gould, John D.	Reg. No. 18,223
Gregson, Richard	Reg. No. 41,804	Gresens, John J.	Reg. No. 33,112
Hamer, Samuel A.	Reg. No. 46,754	Hamre, Curtis B.	Reg. No. 29,165
Hennings, Mark R.	Reg. No. 48,982	Hertzberg, Brett A.	Reg. No. 42,660
Hillson, Randall A.	Reg. No. 31,838	Holzer, Richard J.	Reg. No. 42,668
Hope, Leonard J.	Reg. No. 44,774	Hornsby, Alton	Reg. No. 47,299
Jardine, John S.	Reg. No. 48,835	Johns, Nicholas P.	Reg. No. 48,995
Johnston, Scott W.	Reg. No. 39,721	Kadievitch, Natalie D.	Reg. No. 34,196
Kalinsky, Robert A.	Reg. No. 50,471	Kettelberger, Denise M.	Reg. No. 33,924
Keys, Jeramie J.	Reg. No. 42,724	Knearl, Homer L.	Reg. No. 21,197
Kowalchyk, Alan W.	Reg. No. 31,535	Kowalchyk, Katherine M.	Reg. No. 36,848
Lamberty, Michael L.	Reg. No. 50,760	Larson, James A.	Reg. No. 40,443
Leonard, Christopher	Reg. No. 41,940	Liepa, Mara E.	Reg. No. 40,066
Lindquist, Timothy A.	Reg. No. 40,701	Lown, Jean A.	Reg. No. 48,428
McDonald, Daniel W.	Reg. No. 32,044	McIntyre, William F.	Reg. No. 44,921
Mueller, Douglas P.	Reg. No. 30,300	Nelson, Anna M.	Reg. No. 48,935
Parsons, Nancy J.	Reg. No. 40,364	Pauly, Daniel M.	Reg. No. 40,123
Peterson, Kyle T.	Reg. No. 46,989	Phillips, John B.	Reg. No. 37,206
Pino, Mark J.	Reg. No. 43,858	Pytel, Melissa	Reg. No. 41,512
Qualey, Terry	Reg. No. 25,148	Randall, Joshua N.	Reg. No. 50,719
Reich, John C.	Reg. No. 37,703	Reiland, Earl D.	Reg. No. 25,767
Ryan, Sandra Epp	Reg. No. 39,667	Schmaltz, David G.	Reg. No. 39,828
Schuman, Mark D.	Reg. No. 31,197	Schumann, Michael D.	Reg. No. 30,422
Scull, Timothy	Reg. No. 42,137	Sebald, Gregory A.	Reg. No. 33,280
Skoog, Mark T.	Reg. No. 40,178	Spellman, Steven J.	Reg. No. 45,124
Stewart, Alan	Reg. No. 47,974	Stoll-DeBell, Kirstin	Reg. No. 43,164
Sullivan, Tim P.	Reg. No. 47,981	Sumner, John P.	Reg. No. 29,114
Swenson, Erik G.	Reg. No. 45,147	Tellekson, David K.	Reg. No. 32,314
Trembath, Jon R.	Reg. No. 38,344	Tunheim, Marcia A.	Reg. No. 42,189
Underhill, Albert L.	Reg. No. 27,403	Vandenburgh, J. Derek	Reg. No. 32,179
Vidovich, Kristin K.	Reg. No. 41,448	Wahl, John	Reg. No. 33,044
Weaver, Paul L.	Reg. No. 48,640	Welter, Paul A.	Reg. No. 20,890
Whipps, Brian	Reg. No. 43,261	Whitaker, John E.	Reg. No. 42,222
Wier, David D.	Reg. No. 48,229	Williams, Douglas J.	Reg. No. 27,054
Withers, James	Reg. No. 40,376	Wong, Bryan A.	Reg. No. 50,836
Wong, Thomas S	Reg. No. 48,577	Young, Thomas H.	Reg. No. 25,796
Zeuli, Anthony R.	Reg. No. 45,255		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould, or any of its attorneys.

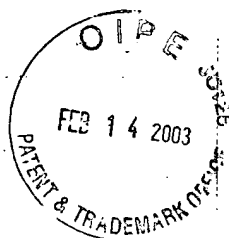
Please direct all correspondence in this case to Merchant & Gould at the address indicated below:

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Cao	First Given Name Mengjun	Second Given Name
0	Residence & Citizenship	City Shenzhen	State or Foreign Country China	Country of Citizenship China
1	Mailing Address	Post Office Address No. 1004, Huangbei Road, Luohu District	City Shenzhen	State & Zip Code/Country 518003, China
Signature of Inventor 201:			Date:	
Mengjun, Cao			July 10, 2002	



Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: Mengjun Cao

For: MAMMARY PROSTHESIS MADE OF POTYACRYLAMIDE HYDROGEL

Docket No.: 13935.0001USWO

Serial No.: 10/010289

Filed: February 28, 2002

Due Date: August 10, 2002

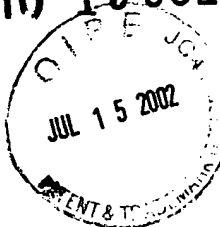
Express Mail No.: EV036308062US

Date Mailed: July 15, 2002

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Parts of NonProvisional Application - Part 2
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Request for Extension of Time for 1 month(s) and fee of \$55.00
- ☒ Check(s) in the amount of \$65.00 for Missing Parts
- ☒ Return postcard

Patent

533 Rec'd PCT/PTO 15 JUL 2002



M. Schumann:hb